

**MAYOR AND CITY COUNCIL MEETING
CITY OF CARROLLTON
NOVEMBER 3, 2003**

MINUTES

CALL TO ORDER

The Mayor and City Council met in regular session on Monday, November 3, 2003 at 7:30 p.m. in the Court/Council Room, Public Safety Complex, 115 West Center Street, Carrollton, Georgia. The meeting was called to order by Mayor Pilgrim.

There were present:

Mayor Gerald Pilgrim
Councilmember Gerald Byrd
Councilmember Henry Dickerson
Councilmember Rusty Gray
Councilmember J. Carl Williamson, Jr.

INVOCATION

The Invocation was offered by Mayor Pilgrim.

MINUTES

MOTION BY COUNCILMEMBER GRAY, SECONDED BY COUNCILMEMBER WILLIAMSON, TO APPROVE THE MEETING MINUTES OF OCTOBER 6, 2003 AS PRESENTED. MOTION PASSED UNANIMOUSLY, 5-0.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

The Mayor and Council expressed appreciation to Ms. Rebecca Ferguson, Main Street Director and the Main Street Board on their recent accomplishments in obtaining the Georgia Downtown Association's Highest Achievement Award – Excellence in Downtown Development.

PUBLIC HEARINGS

Consideration of a request by Louise Toole to rezone 0.31 acres located at 402 College Street from R-10 (Single Family Residential) to R-2 (Medium Density Residential).

Planning Commission Recommendation: Denial on 8-11-03

The public hearing was opened for citizen comments: Those speaking in favor: None. Those speaking opposed: Mr. Dick Tisinger, Attorney in fact for West Georgia National Bank (lien holder for said property), requested the Mayor and Council table the rezoning request, noting that the property was to be foreclosed upon the next morning (November 4, 2003). Mr. Tisinger stated that once the property was foreclosed upon by West Georgia National Bank, the rezoning request would be withdrawn. Mayor Pilgrim closed the public hearing.

MOTION BY COUNCILMEMBER GRAY, SECONDED BY COUNCILMEMBER WILLIAMSON TO TABLE REQUEST TO REZONE 0.31 ACRES LOCATED AT 402 COLLEGE STREET FROM R-10 (SINGLE FAMILY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL). MOTION PASSED UNANIMOUSLY, 5-0.

Consideration of a request by Dave Reynolds to annex 0.97 acres, located at 92 Kilgore Road and rezone said property to M-1 (light industrial) zoning.

Planning Commission Recommendation: Approval on 10-13-03

The public hearing was opened for citizen comments: Those speaking in favor: Mr. Dave Reynolds, owner of said property noted that the property was located between parcels already within the city limits, adding that this would give him access to City sewer. Mr. Reynolds stated that he would not be changing the use of the property, as it is currently the site of his construction business. Those speaking opposed: None. Mayor Pilgrim closed the public hearing.

MOTION BY COUNCILMEMBER WILLIAMSON, SECONDED BY COUNCILMEMBER GRAY TO APPROVE ANNEXING 0.97 ACRES, LOCATED AT 92 KILGORE ROAD AND REZONE SAID PROPERTY TO M-1 (LIGHT INDUSTRIAL) ZONING. MOTION PASSED UNANIMOUSLY, 5-0.

Consideration of a request by Fred Skinner, representing Dave Reynolds, to rezone 0.665 acres located at 106 Kilgore Road from C-2 (Neighborhood and Highway Business Service District) to M-1 (Light Industrial).

Planning Commission Recommendation: Approval on 10-13-03

The public hearing was opened for citizen comments: Those speaking in favor: Mr. Fred Skinner informed the Mayor and Council of a prospective buyer would be placing a company on the property that produced and distributed candles and gift baskets. Mr. Skinner explained the property was already grandfathered for an Industrial use, however the prospective buyer wanted the property rezoned to a conforming use. Those speaking opposed: None. Mayor Pilgrim closed the public hearing.

MOTION BY COUNCILMEMBER WILLIAMSON, SECONDED BY COUNCILMEMBER DICKERSON TO APPROVE REZONING 0.665 ACRES LOCATED AT 106 KILGORE ROAD FROM C-2 (NEIGHBORHOOD AND HIGHWAY BUSINESS SERVICE DISTRICT) TO M-1 (LIGHT INDUSTRIAL). MOTION PASSED UNANIMOUSLY, 5-0.

Consideration of a request by RiJo Property, LLC to rezone 1.12 acres, located at 619 Burson Avenue from R-2 (Medium Density Residential) to R-3 (High Density Residential).

Planning Commission Recommendation: Approval on 10-13-03

The public hearing was opened for citizen comments: Those speaking in favor: Mr. Rick Hayden, co-owner of property stated that currently the property houses five (5) mobile homes and a rental house, adding that once removed, plans were to build ten apartment units on the property. Mr. Hayden also noted that plans included building a sidewalk in front of the units to accommodate pedestrians and students. Mr. Hayden noted that contact had been made with Mr. Wayne Gay, Recreation Director about the Recreation Department placing protective netting between the ball fields and the units and was told the matter would need to be addressed with the Mayor and Council. Those speaking opposed: Carol Ann Almon, currently a tenant of the property, expressed her concerns of being without a place to live and rental units in the area that were affordable. Mayor Pilgrim closed the Public Hearing. Councilmember Byrd inquired to where displaced tenants would be directed. Mr. Hayden addressed the question and stated that contact was being made with the Carrollton Housing Authority to assist in the placement of the tenants. Councilmember Byrd inquired to when the project would be started. Mr. Hayden responded that the project would be underway by next Spring (2004). Councilmember Dickerson inquired to the length of sidewalk and to the cost of the protective netting request. Mr. Hayden stated that the sidewalk would be built to City specifications and cost had not been determined for the netting. Following a brief discussion on the sidewalk cost and protective netting cost,

MOTION BY COUNCILMEMBER GRAY, SECONDED BY COUNCILMEMBER WILLIAMSON TO APPROVE REZONING REQUEST 1.12 ACRES, LOCATED AT 619 BURSON AVENUE FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) AND TO GIVE STAFF AUTHORITY TO AUTHORIZE THE CITY EITHER ABSORBING SIDEWALK COST OR PROTECTIVE NETTING COST. MOTION PASSED UNANIMOUSLY, 5-0.

Consideration of a request by Latson Ventures, Inc. to rezone .41 acres, located at 561 Newnan Road from R-2 (Medium Density Residential) to C-2 (Neighborhood and Highway Business Service District) and 8.80 acres located off Fellowship Way from C-2 (Neighborhood and Highway Business Service District) to R-2 (Medium Density Residential).

Planning Commission Recommendation: Approval on 10-13-03

The public hearing was opened for citizen comments: Those speaking in favor: Mr. Chuck Connerly, representing applicant, gave an in-depth presentation on the proposed project for the property. Mr. Connerly explained the plans included using Tract A (referring to displayed parcels) as commercial property and to construct 64 paired villas for Tract B, noting that this would be Phase I of a duplex development that includes an additional 44 units already approved which are adjacent to properties on Canterbury Drive. Mr. Connerly also noted that a new access road from the proposed development to Newnan Road (along the path of Fellowship Way) would be dedicated to the City of Carrollton. Those speaking opposed: None. Mayor Pilgrim closed the Public Hearing. Councilmember Dickerson stated that he felt a traffic study would be necessary to determine if a decel/accel lane onto Newnan Road was needed.

MOTION BY COUNCILMEMBER DICKERSON, SECONDED BY COUNCILMEMBER GRAY TO APPROVE REZONING .41 ACRES, LOCATED AT 561 NEWNAN ROAD FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-2 (NEIGHBORHOOD AND HIGHWAY BUSINESS SERVICE DISTRICT) AND 8.80 ACRES LOCATED OFF FELLOWSHIP WAY FROM C-2 (NEIGHBORHOOD AND HIGHWAY BUSINESS SERVICE DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL) WITH THE CONDITION THAT A TRAFFIC STUDY BE PERFORMED TO ADDRESS IF A DECEL/ACCEL LANE IS WARRANTED AND TO CONTINUE THE PROVISIONS AS SET FORTH REGARDING THE COMMITMENT OF A PRIVACY FENCE AND BUFFER. MOTION PASSED UNANIMOUSLY, 5-0.

Consideration of a request by Progressive Housing Foundation, LLC to amend zoning conditions and waive certain development standard for 58.11 acres, located off Columbia Drive.

Planning Commission Recommended Conditional Approval on 10-13-03.

Director Dunnivant noted that the site had originally been approved for 360 apartment units and that there were currently 120 units existing in Phase I of the Mayfair Project and noted that the Planning Commission had recommended approval of the changes to the zoning conditions as well as the waiver of development standards for all items except waiving only 80% of the exaction fee. The public hearing was opened for citizen comments: Those speaking in favor: Mr. Charles Menser and Mr. George Connell, said project developers presented a site plan for the proposed project. Mr. Charles Menser reviewed the history of the Mayfair Project and the proposed additional student housing. Mr. Menser requested the following conditions be revised and/or waived:

- Revise the current condition allowing only 360 units to permit 478 units.
- Allow ingress/egress onto Skinner Road for residents only, noting this would be a gated entrance.
- Waiver of the Traffic Study.
- Waiver of the Exaction Fee in its entirety on the 58 available acres that the site plan indicates 40 as net acreage.
- Waiver of the minimum square footage for the student housing section from 1,000 square feet to 980 square feet for a two (2) bedroom and from 1,200 square feet to 1,187 square feet for a three (3) bedroom.
- Waiver of the number of units per building, specifically requested 24 to 28 units per building.
- Waiver of unit limitations for the student housing, Noting that currently the maximum per phase was 120 units and they were requesting 134 in the first phase of the 240 unit student housing project.

Those speaking opposed: None. Mayor Pilgrim closed the Public Hearing. Councilmember Dickerson expressed concerns to permitting the ingress/egress onto Skinner Road and noted a

traffic study would be needed to consider the request. Councilmember Byrd inquired to residents of Skinner Road and their opinions on the proposed project. Mr. Menser stated that all Skinner Road residents had been informed of the request to permit access to Skinner Road for Mayfair residents only. The question was raised by the Mayor and Council of the value of the waiver of the exaction fee. An exact amount was not determined; however, Mr. Menser stated that the proposal included the installation of a sidewalk from the Mayfair project to meet existing sidewalk on Columbia Drive, adding that this would accommodate students walking to/from the State University of West Georgia. Mr. Menser expressed that with the installation of the sidewalk, it was reasonable to ask for a waiver of the exaction fee. The Mayor and Council discussed the number of feet of sidewalk and approximate cost per foot with Public Utilities Administrator Mark Teal. Being no further discussion on the matter, ***MOTION BY COUNCILMEMBER BYRD, SECONDED BY COUNCILMEMBER GRAY TO APPROVE REQUEST TO AMEND ZONING CONDITIONS AND WAIVE CERTAIN DEVELOPMENT STANDARD FOR 58.11 ACRES, LOCATED OFF COLUMBIA DRIVE AS REQUESTED. THOSE VOTING IN FAVOR OF MOTION: COUNCILMEMBERS BYRD, GRAY AND WILLIAMSON. THOSE VOTING OPPOSED TO MOTION: MAYOR PILGRIM AND COUNCILMEMBER DICKERSON. MOTION PASSED, 3-2.***

REGULAR AGENDA

Consideration of a request by McIntyre Lumber Company to extend the contract time to harvest the timber at the City's Land Application Site, from November 21, 2003 to August 1, 2004 due to above average rainfall.

MOTION BY COUNCILMEMBER WILLIAMSON, SECONDED BY COUNCILMEMBER GRAY TO EXTEND THE CONTRACT WITH MCINTYRE LUMBER TO AUGUST 1, 2004 AS REQUESTED. MOTION PASSED UNANIMOUSLY, 5-0.

Request authorization for the City Manager to finalize negotiations and to enter into an Exchange and Construction Agreement with Central of Georgia Railroad Company relating to the Railroad Depot property and the proposed Runaround Track and Team Track, as outlined in the staff report.

City Manager Silverboard briefly reviewed the history of the Depot Acquisition Project and the progress of an environmental assessment. The City Manager noted that a Phase I Environmental Assessment had been performed and it had recommended a Phase II Environmental Assessment be performed before acquisition of said property. The City Manager then introduced Mr. Charles Connerly, the City's environmental counsel, to comment on the proposed negotiations. Mr. Connerly reviewed the Exchange and Construction Agreement with Central of Georgia Railroad Company and stated that the Agreement gives the City 90 days to have a Phase II study conducted. If the City should discover unfavorable conditions, which would make the property unsuitable for City use or environmental law liability, the Railroad will have 30 days to correct the problem. If the Railroad does not correct any unfavorable conditions, the City can either proceed with closing on the property or terminate the agreement. City Manager Silverboard noted that authorization was needed to finalize negotiations and authorize the appropriate officials to execute the document. City Manager Silverboard stated that if approved, an agreement to perform a Phase II Environmental Assessment by MasTech would be performed, at a price not to exceed \$25,000. Following a lengthy discussion regarding the need of a Phase II Environmental Assessment, ***MOTION BY COUNCILMEMBER DICKERSON, SECONDED BY COUNCILMEMBER GRAY TO AUTHORIZE CITY MANAGER TO FINALIZE NEGOTIATIONS AND TO ENTER INTO AN EXCHANGE AND CONSTRUCTION AGREEMENT WITH CENTRAL OF GEORGIA RAILROAD COMPANY RELATING TO THE RAILROAD DEPOT PROPERTY AND THE PROPOSED RUNAROUND TRACK AND TEAM TRACK. MOTION PASSED UNANIMOUSLY, 5-0.***

Consideration for approval of the 2003 Local Law Enforcement Block Grant. Police Chief Barry Carroll reported that the City had recently received a \$23,598 Local Law Enforcement Grant for

police equipment. Conditions of the grant require the Mayor and Council formally accept the grant and identify the official representative of the City to act in accordance with the application.
MOTION BY COUNCILMEMBER GRAY, SECONDED BY COUNCILMEMBER WILLIAMSON TO ACCEPT THE GRANT AND AUTHORIZE LIBBY DUKE, HUMAN RESOURCE OFFICER OF THE CITY TO ACT IN CONNECTION AND PROVIDE ADDITIONAL INFORMATION AS MAY BE REQUIRED. MOTION PASSED UNANIMOUSLY, 5-0.

Consideration of two appointments to the Carrollton Parks, Recreation, & Cultural Arts Board. Deputy City Clerk Duke reported that the terms of Recreation Commission Members Jeremy Sabo and Ann Seaton Fletcher expired in October. In correspondence from Recreation Director Wayne Gay, Director Gay had noted that both members had been valuable to the commission and both had expressed an interest in continuing to serve.

MOTION BY COUNCILMEMBER DICKERSON, SECONDED BY COUNCILMEMBER GRAY TO APPOINT JEREMY SABO AND ANN SEATON FLETCHER TO ANOTHER 3 YEAR TERM ENDING OCTOBER 1, 2006. MOTION PASSED UNANIMOUSLY, 5-0.

Consideration of approving nominations to the Carroll City/County Hospital Authority Nominations.

MOTION BY COUNCILMEMBER WILLIAMSON, SECONDED BY COUNCILMEMBER DICKERSON TO NOMINATE THE FOLLOWING FOR CONSIDERATION OF THE CARROLL CITY/COUNTY HOSPITAL AUTHORITY:

POSITION 1: HUGH BASS, JACK WHITMAN, FRED O'NEAL

POSITION 2: DANNY MABRY, ED HARMAN, JR., MILT MOSS

POSITION 3: RONNIE WILLIAMS, LEE LAYTON, BOB STONE

POSITION 4: PETER WORTHY, STACEY BLACKMON, BARBARA GREEN MOTION PASSED UNANIMOUSLY, 5-0.

Consideration of appointment of Non Public Member to the Chattahoochee Flint Regional Development Center.

MOTION BY COUNCILMEMBER WILLIAMSON, SECONDED BY COUNCILMEMBER GRAY TO NOMINATE DANIEL JACKSON FOR THE NON PUBLIC BOARD MEMBER OF THE CHATTAHOOCHEE FLINT REGIONAL DEVELOPMENT CENTER BOARD OF DIRECTORS. MOTION PASSED UNANIMOUSLY, 5-0.

CITIZENS' COMMENTS

Mr. Dillard Buchanan inquired about public access channel for cable TV.

Mr. Bill Chappell inquired to if meetings were video taped and if so were they archived.

Ms. Annie Boykin requested the Mayor and Council place a red light at the intersection of Spring Street and Highway 27.

ADJOURNMENT

There being no further business to be addressed before the Mayor and Council,

MOTION BY COUNCILMEMBER DICKERSON, SECONDED BY COUNCILMEMBER GRAY TO ADJOURN THE MEETING AT 9:15 P.M. MOTION PASSED UNANIMOUSLY, 5-0.

*Respectfully submitted by
Libby R. Duke, Deputy City Clerk*